

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CANAL INSURANCE COMPANY,

Plaintiff,

-against-

GINNETTI TRUCKING, LLC, a
Connecticut Limited Liability Corporation,
BRUCE LAURITZEN, individually,
EDDYS N. GARCIA, as Administrator of
the Goods, Chattels and Credits which
were of WENDY SANTOS, deceased,
EDDYS N. GARCIA, individually, EDDY
I. GARCIA, an infant by his father and
natural guardian, EDDYS N. GARCIA,
KENNY J. GARCIA, an infant by his
father and natural guardian, EDDYS N.
GARCIA, OLGA GARCIA, individually,
RAFAEL SALVADOR, individually,
KEYLIE SALVADOR, an infant by her
mother and natural guardian, OLGA
GARCIA, ANGEL RIVERA, individually,
EDART LEASING COMPANY, LLC, a
Massachusetts Limited Liability
Corporation, and DASILVA TAUNTON
EXPRESS, a Massachusetts business
entity, form unknown,

Defendants.

Civil Action No. 1:08-CV-01588 GEL

Related to Civil Action Nos.:

1:07-CV-04045 GEL

1:07-CV-06192 GEL

1:08-CV-02957 GEL

REQUEST TO ENTER DEFAULT
AND CERTIFICATION

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TO THE CLERK OF THE ABOVE NAMED COURT:

Please enter upon the docket the default of the defendant

DASILVA TAUNTON EXPRESS

in the above entitled action for failure to plead or otherwise defend as provided by the rules of civil practice or by an Order of this Court, or because the answer of defendant has been stricken.



Jeffrey C. Lynn, Esq.

Attorney for Plaintiff, CANAL INSURANCE
COMPANY

CERTIFICATION

1. I am JEFFREY C. LYNN of McElfish Law Firm, counsel of record for the plaintiff, CANAL INSURANCE COMPANY, in the above-entitled action.

2. The summons and Complaint in the above-entitled action was served upon defendant, DASILVA TAUNTON EXPRESS, on April 14, 2008 as appears from the copy of the Affidavit of Service attached hereto and incorporated by reference herein as Exhibit A.

3. The time in which said defendant may answer or otherwise move as to the Complaint has expired, and has not been extended or enlarged, and defendant named herein has answered or otherwise moved for relief from the court.

4. The defendant against whom a notation of default is sought, DASILVA TAUNTON EXPRESS, is not a natural person, and is therefore not an infant, in the military or an incompetent person pursuant to Local Rule 55.1.

5. I declare that the foregoing is true and correct and was executed by the undersigned under penalty of perjury at West Hollywood, California.

Dated: July 11, 2008



Jeffrey C. Lynn, Esq.

Attorney for Plaintiff, CANAL INSURANCE
COMPANY

EXHIBIT A

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK Attorney: MCELISH LAW FIRM

CANAL INSURANCE COMPANY

Plaintiff(s)

- against -

Index # 08 CV 1588

GINNETTI TRUCKING, LLC, A CONNECTICUT LIMITED LIABILITY CORPORATION, ETAL

Defendant(s)

Purchased February 15, 2008
File # LA33-112

AFFIDAVIT OF SERVICE

STATE OF MA : COUNTY OF Plymouth ss:
Carey

James A. CAREY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES AT 1004 Pheasant Lane, Middleboro, MA 02346

That on April 14, 2008 at 02:50 PM at

.295 Constitution Drive
TAUNTON, MA 02780

deponent served the within SUMMONS AND COMPLAINT FOR DECLARATORY RELIEF AND INTERPLEADER; RULE 7.1 STATEMENT; MOTION TO ADMIT COUNSEL PRO HAC VICE on DASILVA TAUNTON EXPRESS, A MASSACHUSETTS BUSINESS ENTITY, FORM UNKNOWN therein named,

SUITABLE
AGE

by delivering thereof a true copy of each to CHRIS DA SILVA a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the GENERAL-AGENT of the Defendant.

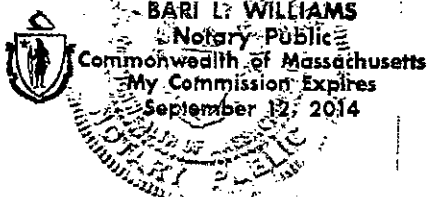
Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	White	Brown/Gray	50	5' 11"	210

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: April 15, 2008

Notary: Bari L. Williams



Server: James A. Carey

Invoice #: 458797

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CANAL INSURANCE COMPANY

Plaintiff,

-against-

_____ cv _____ ()

PROOF OF SERVICE

GINNETTI TRUCKING, LLC. , a Connecticut
Limited Liability Corporation, EDDYS N.
GARCIA, as Administrator of the Goods,
Chattels and Credits which were of WENDY
SANTOS, deceased, EDDYS N. GARCIA,
Individually, EDDY I. GARCIA, an infant by
His father and natural guardian, EDDYS N.
GARCIA, KENNY J. GARCIA, an infant by
his father and natural guardian, EDDYS N.
GARCIA, OLGA GARCIA, individually,
RAFAEL SALVADOR, an infant by her
Mother and natural guardian, OLGA
GARCIA, ANGEL RIVERA, individually
And EDART LEASING COMPANY, LLC, a
Massachusetts Limited Liability Corporation,

Defendants,

State of California)
County of Los Angeles) ss:
County of Los Angeles)

I am employed in the county of Los Angeles, California. I am over the age of 18 and not a party to the within action; my business address is 1112 N. Sherbourne Drive, West Hollywood, CA 90069. On the date stated below, I served the following documents:

1) Request to Enter Default and Certification

on the interested parties by placing true and correct copies thereof addressed as shown below:

Harold J. Derschowitz, Esq.
Lester, Schwab, Katz & Dwyer, LLP
120 Broadway
New York, New York 10271-0071
Attorneys for Ginnetti Trucking, LLC

Christopher L. Sallay
Gair, Gair, Conason, Steigman & Mackauf
80 Pine Street
New York, New York 10005
Attorneys for Eddys N. Garcia, as Administrator of the
Goods Chattels and Creditor of Wendy
Santos, deceased, Eddys N. Garcia, individually, Eddy I.
Garcia, and infant by his father and natural guardian,
Eddys N. Garcia, and Kenny J. Garcia, an infant by his
father and natural guardian, Eddys N. Garcia

(X) BY FIRST CLASS MAIL: I caused said document(s) to be deposited in the United States Mail in a sealed envelope with postage fully prepaid at West Hollywood, California, following ordinary practice at my place of business of collection and processing of mail on the same day as shown on this declaration.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on July 11, 2008, at New York, New York.

A handwritten signature in cursive script, reading "Selina Small", is written over a horizontal line.

Selina Small